

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LAUREL BEGLEY, individually and on
behalf of all others similarly situated,

Plaintiff,

Case No. 3:21-cv-01031-YY

OPINION AND ORDER

v.

JK ENTERPRISE INCORPORATED, an
Oregon corporation d/b/a Cabaret II,
JOSEPHINE JABRA KIRAZ, an
individual, **DOES 1 THROUGH 10**,
inclusive,

Defendants.

MOSMAN, J.,

On April 29, 2022, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 28], recommending that I grant in part Plaintiff Laurel Begley’s Motion for Conditional Certification [ECF 17] on the issue of equitable tolling. Specifically, Judge You recommended I grant equitable tolling for the period between December 1, 2021, and the date on which notice is issued to potential collective action members. F&R at 5. Objections were due May 13, 2022, but none were filed. Upon review, I agree with Judge You.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to

make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's recommendation, and I ADOPT the F&R [ECF 28] as my own opinion. I GRANT in part Plaintiff's Motion for Conditional Certification [ECF 17] as to Plaintiff's request for equitable tolling. I grant equitable tolling for the period between December 1, 2021, and the date on which notice is issued to potential collective action members.

IT IS SO ORDERED.

DATED this 19th day of May, 2022.



MICHAEL W. MOSMAN
Senior United States District Judge